

Kissoon

Q. When you started most all of them got cash along with their paychecks?

A. Yes.

Q. Now today some workers get cash  
and some don't?

A. Mostly all of them get cash along with the check.

Q. Has that been true for all of the time that you worked for SP Payroll, that some workers get cash along with their paychecks?

A. Yes.

Q. Again correct me if I am wrong, you are not involved in deciding -- if I understand you correctly, you are not involved in deciding what amount of cash any particular worker is supposed to get?

A. I am not involved.

Q. Do you know who makes that decision?

A. David.

Q. Did David ever tell you how he makes that decision?

A. No. I don't remember.

Q. He didn't?

1                                   Kissoon

2                   A.       Maybe he did tell me, but I don't  
3 remember.

4                   Q.       He might have you?

5                   A.       Yes, but I don't remember what he  
6 said. I don't know.

7                   Q.       You don't remember?

8                   A.       No.

9                   Q.       Do you recall if you have  
10 discussed that with David on one occasion or  
11 more than one occasion?

12                  A.       He might have told me, but I don't  
13 remember discussing it.

14                  Q.       How about discussing it with Sam  
15 Podolak?

16                  A.       I didn't discuss it with Sam  
17 Podolak.

18                  Q.       Do you know Miguel Alcantara?

19                  A.       Yes.

20                  Q.       Does he or did he work at one of  
21 the garages that you handle?

22                  A.       He did.

23                  Q.       Which one was that?

24                  A.       Two location, 145th and 155th.

25                  Q.       Does he still work there?

1 DAVID SAPERSTEIN

2 Q As part of your job, do you look at or  
3 go through time cards, the time cards  
4 themselves?

5 MS. MEYERS: Objection. When?

6 MR. BERNSTEIN: At any time.

7 A It doesn't really matter, no. Let me  
8 back up. I occasionally glance at them. If I'm  
9 at a location, I might just glance just to make  
10 sure they're being used.

11 Q When you say to make sure they're  
12 being used, you mean that the employees --

13 A Are punching in and out.

14 Q Have you found times when employees  
15 are not punching in and out every time they're  
16 supposed to?

17 A Occasionally. They also refused to  
18 punch in and out for lunch when we attempted to  
19 get them to do that.

20 Q Okay. We'll get to that.

21 A Okay.

22 Q Occasionally, if I understand you  
23 correctly, there are missing punch-ins or  
24 punch-outs that you've seen?

25 A Yes.

1 DAVID SAPERSTEIN

2 Q I should say time cards that you've  
3 seen with a missing punch-in or punch-out time?

4 A Yes.

5 Q When the punch-in or punch out-time is  
6 missing, how, if at all, are the employees'  
7 hours figured for that day?

8 A It was up to Raj. Raj was the one  
9 that knew when they were coming and going. He  
10 was the one that determined what time they got  
11 there and what time they left.

12 Q Now, you said that employees refused  
13 to punch in and out for a lunch break; am I  
14 correct?

15 A Refused might have been a wrong word.

16 Q Okay. They didn't do it?

17 A Unable to do it might be a better  
18 choice of words.

19 Q Tell me what you remember about that.

20 A At some point, I had requested Raj to  
21 get the employees to punch in and out whenever  
22 they left the garage.

23 Q Not just for lunch but whatever?

24 A My choice of words was "whatever," but  
25 it meant lunch, and Raj understood that. And we